

## **PLANNING AND ZONING COMMISSION**

**OCTOBER 8, 2013**

The Planning and Zoning Commission of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on Tuesday, October 8, 2013 at 6:00 p.m.

Commission Members Present: Chairman Rick Franklin, Vice-Chairman George Bush, Jim Gilmore, David Kochalka, Michael Osuna, and Larry Thompson

Commission Member Absent: Matt Hilton

Staff Present: City Secretary Sandy Hart, Assistant Director of Development Services Rick Leisner, Director of Planning Michael Quint, Planning Manager Brandon Opiela, Planners Samantha Gleinser and Steven Duong, and Administrative Assistant Terri Ramey

There were approximately 20 guests present.

Vice-Chairman Franklin called the meeting to order at 6:00 p.m. after determining a quorum was present.

Vice-Chairman Franklin explained the format and procedures of the meeting, as well as the role of the Commission. He announced that some of the items considered by the Commission on this date would be only heard by the Planning and Zoning Commission and others would be forwarded on to City Council. Vice-Chairman Franklin stated that he would advise the audience if the case will go on to City Council or be heard only by the Planning and Zoning Commission. He requested that applicants and Staff limit their remarks to ten minutes each and that guests limit their remarks to five minutes and speak only once. Vice-Chairman Franklin explained that there is a timer located on the podium, and when one minute of the speaker's time is remaining, the light will switch from yellow to red and a buzzer will sound. He asked that everyone treat others with respect, be concise in all comments, and avoid over talking the issues.

### **13-1036 Oath of Office**

Ms. Sandy Hart, City Secretary for the City of McKinney, issued the Oath of Office to Rick Franklin and Michael Osuna.

**13-1037 Election of Chair and Vice-Chair**

Mr. Michael Quint, Director of Planning for the City of McKinney, continued the meeting with the election for a Chair and Vice-Chair.

An election was held for the Planning and Zoning Commission Chairman position. The motion by Commission Member Thompson to elect Matt Hilton as Chairman failed due to a lack of a second. The Commission unanimously approved the motion by Commission Member Kochalka, seconded by Commission Member Bush, to elect Rick Franklin as Chairman, with a vote of 6-0-0.

An election was also held for the Planning and Zoning Commission Vice-Chairman position. The Commission unanimously approved the motion by Chairman Franklin, seconded by Commission Member Thompson, to elect George Bush as Vice-Chairman, with a vote of 6-0-0.

Chairman Franklin presided and continued the meeting with the Consent Items.

The Commission unanimously approved the motion by Vice-Chairman Bush, seconded by Commission Member Gilmore, to approve the following two Consent Items, with a vote of 6-0-0:

**13-1038 Minutes of the Planning and Zoning Commission  
Regular Meeting of September 24, 2013**

**13-141PF Consider/Discuss/Act on the Request by Spiars  
Engineering, Inc., on Behalf of McKinney 18, L.P., for  
Approval of a Preliminary-Final Plat for 74 Single Family  
Residential Lots, 2 Lots and 5 Common Areas (Craig  
Ranch North Phase 3), Being Fewer than 20 Acres,  
Located on the Northwest Corner of Alma Road and  
Stacy Road**

**END OF CONSENT**

Chairman Franklin continued the meeting with the Regular Agenda Items and Public Hearings on the agenda.

**13-187Z Conduct a Public Hearing to Consider/Discuss/Act on  
the Request by Baird, Hampton & Brown, Inc., on Behalf  
of TCG Custer/380 Investors, L.L.C., for Approval of a  
Request to Rezone Fewer than 2 Acres from "PD" -  
Planned Development District and "CC" - Corridor  
Commercial Overlay District to "BG" - General Business  
District and "CC" - Corridor Commercial Overlay  
District, Generally to Modify the Development  
Standards, Located on the Southeast Corner of Custer  
Road and U.S. Highway 380 (University Drive)**

Ms. Samantha Gleinser, Planner for the City of McKinney, explained the proposed rezoning request. She stated that Staff recommends approval of the proposed rezoning request.

Commission Member Kochalka asked if the reason behind the rezoning request was because the applicant did not wish to provide a concept plan for the entire tract of land. Ms. Gleinser said yes.

Commission Member Gilmore had a question about what could be built in the proposed zoning. Ms. Gleinser stated that their proposed development could be built under the current zoning; however, the applicant did not want to provide a concept plan for the entire tract of property.

Mr. Gene Capps; Baird, Hampton & Brown, Inc.; 4550 State Highway 360; Suite 180; Grapevine, TX; concurred with the staff report.

Commission Member Kochalka questioned a comment in the letter of intent that stated the applicant would not be subject to the Stonebridge Ranch requirements with the approval of the proposed rezoning request. Mr. Capps felt that the rezoning request met Stonebridge Ranch's typical requirements; however, he stated that they did not want to submit a concert plan for the approximately 51 acre tract of property when their proposed development would only be about one acre of it.

Commission Member Kochalka asked if the deed restrictions would still apply if the property was rezoned. Mr. Capps said yes.

Chairman Franklin opened the public hearing and called for comments. There being none, on a motion by Commission Member Kochalka, seconded by Commission Member Gilmore, the Commission voted unanimously to close the public hearing and to recommend approval of the rezoning request as recommended by staff, with a vote of 6-0-0.

Chairman Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on November 5, 2013.

**13-194Z      Conduct a Public Hearing to Consider/Discuss/Act on the Request by 3 BT's, Inc., on Behalf of Troiani Family Investments, Ltd., for Approval of a Request to Rezone Fewer than 4 Acres from "RG-18" - General Residence District to "PD" - Planned Development District, Generally to Modify the Development Standards, Located on the Southeast Corner of Rockhill Road and**

**North Brook Drive**

Ms. Samantha Gleinser, Planner for the City of McKinney, explained the proposed rezoning request. She distributed five letters of opposition to the commission members. Ms. Gleinser stated that Staff recommends denial of the proposed rezoning request due to non-conformance with the Comprehensive Plan.

Commission Member Gilmore had a question about the property. Ms. Gleinser pointed out the property's location in blue on the location map that was shown on the display.

Commission Member Thompson asked if apartments could be built on the property under the current zoning. Ms. Gleinser said yes.

Chairman Franklin asked about the zoning on the property located to the east of this property. Ms. Gleinser stated that it was zoned "RS-45" – Single Family Residence District (4,500 square feet per lot) and "RG-18" – General Residence District.

Mr. Bob Roeder; Abernathy, Roeder, Boyd & Joplin, PC; 1700 Redbud # 300; McKinney, TX; explained the proposed rezoning request. He stated that the Tomes Auto Group proposes to use the property as storage for their large parts and not as a used car facility. Mr. Roeder stated that the tract of property fronts on North Brook Drive and does not have any outlets on Rockhill Road. He stated that the loading area would be on the south end of the property and would be screened per the City's requirements. Mr. Roeder discussed the proposed elevations for the property. He stated that this location would not be a retail environment, would be a daytime use, and would not generate a lot of traffic. Mr. Roeder stated that his client had invited 46 of the surrounding property owners to a meeting to discuss their plans. He stated that only six to seven residents showed up for the meeting and two of those lived directly across the street from the proposed rezoning property. Mr. Roeder stated that they indicated they were in support of the proposed use for the property. He stated that immediately before the Planning and Zoning Commission meeting some letters of opposition were distributed by Staff. Mr. Roeder stated that the residents in opposition live further away and had not been invited to their initial meeting to discuss their plans with surrounding residents. He felt the proposed development was on the edge of residential development and would have a less impact than other uses that could be built on the

property under the current zoning. Mr. Roeder stated that his client was willing to remove some of the allowed uses in the proposed rezoning request.

Commission Member Gilmore asked about the traffic that would be generated by this development. Mr. Roeder stated that the property was proposed as a storage facility. He stated that they could have deliveries of supplies made by semi-trailer trucks once or twice a day. Mr. Roeder stated that when the automotive staff needed a part that they would go pick it up at that location in one of their pickup trucks.

Commission Member Kochalka asked why they picked this location for their storage facility. Mr. Roeder stated that its proximity to the dealerships was the major reason they chose this site. He explained that they did not want to cross U.S. Highway 75 (Central Expressway) due to construction issues.

Chairman Franklin stated that he liked the proposed elevation. He asked if the applicant decided to make changes to the elevation if it would need to come back before the Planning and Zoning Commission for approval. Mr. Roeder said yes.

Commission Member Gilmore asked if the applicant decided to develop the property for another use if it would need to come back before the Planning and Zoning Commission. Mr. Roeder stated that if it was an allowed use for the zoning on the property then it would not need to come back for approval by the Planning and Zoning Commission. He stated that his client was willing to limit some of the allowed uses in this rezoning request.

Chairman Franklin expressed concerns about the proposed metal fabrication and mini-warehouse uses in this rezoning request. Mr. Roeder stated that he was willing to have those uses removed from this rezoning request. He also stated that they would be willing to remove the department or discount store uses.

Vice-Chairman Bush asked Mr. Roeder to say which of the uses they were willing to remove from this rezoning request. Mr. Roeder stated that his client was willing to remove the following uses from this rezoning request: cleaning plant (laundry), department or discount store, drug store or pharmacy, metal fabrication, mini-warehouse, and paint and related sales.

Mr. Bob Tomes, Bob Tomes Ford, 6009 Settlement Way, McKinney, TX, stated that they had been in McKinney over 30 years. He stated that his family operates the

Ford dealership and the Subaru dealership in McKinney, TX. Mr. Tomes stated that the proximity of this property to their dealerships was a big advantage over the locations of other properties that they considered. He explained the proposed use for the property. Mr. Tomes stated that he was willing to build a nice structure that he felt would blend in with the surrounding neighborhood. He felt the proposed use would have considerably less traffic than an apartment complex that could be built on the property under the current zoning.

Chairman Franklin opened the public hearing and called for comments.

The following people spoke in favor of the proposed rezoning request. These citizens felt the proposed use would be a nice addition to the neighborhood, would generate less automotive and pedestrian traffic than other allowed uses on the property, parking around the soccer fields should be adequate for the soccer games and access to the walking trails, and suggested posting no parking signs up along Rockhill Road and North Brook Drive to help eliminate concerns of children running out in front of oncoming cars.

- Ms. Elayne Matson, 2519 Pepper Tree Circle, McKinney, TX
- Mr. Larry Offerdahl, 2411 Peachtree Lane, McKinney, TX
- Mr. George Matson, 2519 Pepper Tree Circle, McKinney, TX
- Mr. Melvin January, 2407 Shadow Lane Drive, McKinney, TX
- Mr. Charles Holubar, 103 Peachtree Lane, McKinney, TX

The following people spoke in opposition of the proposed rezoning request. These citizens had concerns about the safety of the children in the surround neighborhood due to increased traffic, parking concerns around the walking trail, possibly reducing the property values of the surround properties, felt it was an inappropriate use near a residential neighborhood, felt surrounding vacant properties might rezone to industrial uses, and did not feel an apartment complex would be built on the property in the near future.

- Ms. Leslie Vestal, 2334 N. Ridge Road, McKinney, TX
- Mr. Ralph Graham, 2329 N. Ridge Road, McKinney, TX

Vice-Chairman Bush asked the applicant if they were willing to remove the fitness club, gymnasium, exercise area, or similar use on the property as well. Mr. Roeder said yes.

On a motion by Commission Member Gilmore, seconded by Vice-Chairman Bush, the Commission voted to close the public hearing and recommend approval of the rezoning request as recommended by staff with removal of the following uses: cleaning plant (laundry); department or discount store; drug store or pharmacy; fitness club, gymnasium, exercise area, or similar use; metal fabrication; mini-warehouse; and paint and related sales; with a vote of 5-1-0. Commission Member Kochalka voted against the motion.

Chairman Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on November 5, 2013.

**13-193Z      Conduct a Public Hearing to Consider/Discuss/Act on the Request by Abernathy, Roeder, Boyd and Joplin, on Behalf of VCIM Partners, L.P., for Approval of a Request to Rezone Fewer than 4 Acres from "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District to "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District, Generally to Modify the Development Standards, Located on the Southwest Corner of Van Tuyl Parkway and TPC Drive**

Ms. Samantha Gleinser, Planner for the City of McKinney, explained the proposed rezoning request. She stated that Staff recommends denial of the proposed rezoning request due to a lack of conformance with the character and vision prescribed by Appendix B-2 (Regional Employment Center – Overlay Urban Design Standards) and Section 146-139 (Architectural and Site Standards) of the Zoning Ordinance.

Commission Member Kochalka asked why this request did not fit into the character of the “REC” - Regional Employment Center. Ms. Gleinser explained that the intent of the “REC” - Regional Employment Center was to have the structures near the street to encourage an interactive pedestrian streetscape. She stated that the building was proposed to be pulled back off the street and the parking and fire lane would be located out front, which disconnected the pedestrians on the street and the use of the building.

Mr. Bob Roeder; Abernathy, Roeder, Boyd & Joplin, PC; 1700 Redbud # 300; McKinney, TX; explained the proposed rezoning request. He stated that his client intends to build a high quality wedding chapel and reception hall, which he felt was already an allowed use for the property. Mr. Roeder explained that the lot was an unusual shape. He felt that there were other examples of structures in the "REC" – Regional Employment Center there were not built up to the street. Mr. Roeder stated that the rezoning request addressed the building not being built near the street, the parking layout that they felt would be best for the development, and not meeting the City of McKinney's Architectural and Site Standard requirements. He stated that his client was comfortable with the conditions for approval listed in the staff report.

Vice-Chairman Bush asked to clarify that the applicant was willing to accept the conditions for approval listed in the staff report. Mr. Roeder said yes.

Commission Member Kochalka asked if the development had to meet Craig Ranch's Architectural Standards as well. Mr. Roeder said yes.

Commission Member Kochalka asked about the proposed building materials and if they were included on the elevations. Mr. Roeder stated that the list of building materials was included on the elevations. He stated that they are planning to use manufactured stone, three layers of stucco, EIFS (Exterior Insulation Finishing System), and architectural CMU (Concrete Masonry Units) for accent pieces.

Commission Member Osuna asked why the proposed development would not meet the Section 146-139 (Architectural and Site Standards) of the Zoning Ordinance. Mr. Roeder stated that his client proposes to use more than 50% stucco on the exterior of the building.

Commission Member Gilmore asked how many people would office at this location on a regular basis. Mr. Roeder stated approximately ten people.

Commission Member Kochalka asked if there were any concerns being located next to a driving range. Mr. Roeder said no.

Chairman Franklin opened the public hearing and called for comments. There being none, on a motion by Vice-Chairman Bush, seconded by Commission Member Thompson, the Commission voted unanimously to close the public hearing and to



recommend approval of the rezoning request as recommended by staff, with a vote of 6-0-0.

Chairman Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on November 5, 2013.

**13-175GDP Consider/Discuss/Act on the Request by Sanchez & Associates, on Behalf of Gammon Partners I, Ltd., for Approval of a General Development Plan for the Hills of Alma Addition, Being Fewer than 13 Acres, Located on the Northeast Corner of Silverado Trail and Alma Road**

Ms. Samantha Gleinser, Planner for the City of McKinney, explained the proposed general development plan. She stated that Staff recommends approval of the proposed general development plan.

Mr. Levi Wild, Sanchez and Associates, Inc., 220 E. Virginia Street, McKinney, TX, concurred with the staff report.

The Commission voted unanimously on a motion by Commission Member Thompson, seconded by Commission Member Kochalka, to approve the proposed general development plan request as recommended by staff, with a vote of 6-0-0.

Chairman Franklin stated that the Planning and Zoning Commission is the final approval authority for the proposed general development plan.

**13-174PF Consider/Discuss/Act on the Request by Sanchez & Associates, on Behalf of Gammon Partners I, Ltd., for Approval of a Preliminary-Final Plat for 56 Single Family Residential Lots, 2 Commercial Lots and 3 Common Areas (The Hills of Alma), Being Fewer than 13 Acres, Located on the Northeast Corner of Silverado Trail and Alma Road**

Ms. Samantha Gleinser, Planner for the City of McKinney, explained the proposed preliminary-final plat. She stated that eight of the 56 proposed lots did not meet the minimum size requirements. Ms. Gleinser stated that Staff recommends denial of the proposed preliminary-final plat due to non-conformance with the Subdivision Ordinance. She stated that prior to this Planning and Zoning Commission meeting, the applicant turned in a revised preliminary-final plat and setback exhibit, which Staff did not have time to review. Staff distributed copies of the revised preliminary-final plat and setback exhibit to the Planning and Zoning Commission.

Commission Member Thompson asked if the revisions addressed the eight lots not meeting the minimum size requirements. Ms. Gleinser said no, that it appeared there would be six lots that still would not meet the size requirements.

Vice-Chairman Bush had questions about the lots that did not meet the size requirements. Mr. Brandon Opiela, Planning Manager for the City of McKinney, stated that the applicant proposed a mixture of lot sizes. He stated that there were specific lot width requirements that were not being met. Mr. Michael Quint, Planning Director for the City of McKinney, stated that the "REC" – Regional Employment Center caps the maximum lot area for some of the lot widths.

Commission Member Thompson asked Staff to explain how these lots did not meet the requirements. Mr. Quint stated that generally the lot areas exceeded what was allowed by the Zoning Ordinance by a few hundred square feet up to a few thousand square feet.

Vice-Chairman Bush asked to clarify that these lots exceeded the maximum lot size requirements. Mr. Quint said yes.

Vice-Chairman Bush felt there were various examples similar type lots in McKinney, TX. Mr. Quint agreed that there were other examples of similar lots within the "REC" – Regional Employment Center; however, he stated that most of those had land plans tied to their zoning that allowed those size lots. Mr. Quint stated that an update to the Zoning Ordinance might be needed to address similar lot size issues within the "REC" – Regional Employment Center.

Mr. Martin Sanchez, Sanchez and Associates, Inc., 220 E. Virginia Street, McKinney, TX, explained the proposed preliminary-final plat. He explained that the proposed lot widths meet the requirements; however, some of the lot sizes were too large overall. Mr. Sanchez felt that the proposed preliminary-final plat met the intent of the "REC" – Regional Employment Center requirements. He stated that they plan to build the same product on the larger, knuckle lots. Mr. Sanchez gave examples of other subdivisions that had similar lots. He agreed with Mr. Quint that the lot issues, similar to this, should be addressed in the Zoning Ordinance.

Commission Member Osuna asked which preliminary-final plat and setback exhibit was being considered for approval. Mr. Sanchez stated that the only revision was a mathematical notation on the exhibit.

The Commission voted unanimously on a motion by Commission Member Kochalka, seconded by Vice-Chairman Bush, to approve of the proposed preliminary-final plat request as requested by the applicant, with a vote of 6-0-0.

Chairman Franklin stated that the Planning and Zoning Commission is the final approval authority for the proposed preliminary-final plat.

**END OF THE REGULAR AGENDA ITEMS AND PUBLIC HEARINGS ON THE AGENDA**

Commission Member Thompson suggested that the November 26 and December 24, 2013 Planning and Zoning Commission meetings be cancelled due to the holidays. Mr. Michael Quint, Director of Planning for the City of McKinney, stated that typically the second meetings in November and December were cancelled.

Chairman Franklin declared the meeting adjourned at 7:00 p.m.

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RICK FRANKLIN  
Chairman